IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

-

WRIT PETITION No.13883 of 2004

Between:

The Associated Cement Co.Ltd., Cement House,

No.121, Maharshi Karve Road, Mumbai, and having

Regional Marketing Office at No.66-A, R.P.Road, Secunderabad,
rep., by Area Manager and General Power of Attorney Holder

Sri Rajiv Kumar

..... PETITIONER

AND

1 The Commissioner of Land Reforms &

The Commissioner of Land Administration,

A.P.. Hyderabad (Board of Revenue Office Premises)

Office at Nampally, Hyderabad.

2 The Secretary to Government, Secretary, (Revenue Department)
Government of A.P., Secretariat, Saifabad, Hyderabad.

3 The Special Officer cum Competent Authority,

Urban Land Ceilings, 3rd Floor, Chandra Vihar,

Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ of certiorari or any other writ or order of direction more particularly one in the nature of writ of certiorari declaring the order dated 30-6-2004 vacating the stay granted on 09-11-1995 and communicated by Letter No. CCLA's Appeal No.Hyd/226/95 dated 13.7.2004 as bad in law and to quash the same in the interest of justice.

Counsel for the Petitioner: MR.N.RAGHAVAN

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

The Associated Cement Company Limited (ACC) is the petitioner in this writ petition, seeking writ of certiorari to quash the order dated 30.06.2004 of the first respondent herein as bad in law. The impugned order reads as under:

The Associated Cement Company Ltd., has filed an appeal before the Commissioner, Appeals on 19.10.95 against the orders of S.O. & C.A., ULC, Hyderabad, order dt.12.9.95 in file No.F1/155/93. The appeal was admitted and stay granted vide this office ref. No.Hyd/226/95 dt.9.11.95. The appeal went several adjournments. During the hearing on 30.6.2004 either the Manager or the Counsel not present. The SGP present and requested the Appellate Authority to vacate the stay. On the request of SGP., the Commissioner (Appeals) has vacated the stay granted in the ref. 3rd cited and adjourned the case and posted for hearing on 26.7.2004.

It is not denied that against the orders of the Special Officer & Competent Authority under the Urban Land (Ceiling & Regulation) Act, 1976 (for brevity 'the Act'), under Section 8 (4) of the Act, the first respondent is the Appellate Authority. It is also not denied that it is competent for the Appellate Authority to pass orders of stay and withdraw or vacate such orders of stay. When the Authority acts within the jurisdiction, unless and until, the Complainant shows that a decision of Public Authority suffers from jurisdictional error, no writ of certiorari would lie. The interim order granted in favour of the petitioner on 9.11.1995 has been vacated by reason of the impugned order that the Counsel for the petitioner was absent on more than one occasion. The decision, therefore, cannot be said to suffer from any grave error apparent on the face of record requiring the issue of certiorari. The petitioner may have sufficient cause or may not have but nothing prevents him to approach the same Authority.

The submission of the learned Counsel for the petitioner Sri Raghavan that the application of the petitioner under Section 20 of the Act for exemption is pending before the Government, and therefore, the matter may be remanded to the first respondent for consideration duly granting stay pending consideration of the application for exemption does not merit consideration. There is no law which prevents the Appellate Authority from exercising power even if an application made by the declarant is pending before the Government. If so advised, the petitioner may

approach the first respondent for appropriate orders in the matter.

This writ petition is misconceived and is accordingly dismissed.

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Date : August 06, 2004. **V.V.S. RAO, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Land Reforms &

The Commissioner of Land Administration,

A.P.. Hyderabad (Board of Revenue Office Premises)

Office at Nampally, Hyderabad.

2 The Secretary to Government, Secretary, (Revenue Department)
Government of A.P., Secretariat, Saifabad, Hyderabad.

3 The Special Officer cum Competent Authority,

Urban Land Ceilings, 3rd Floor, Chandra Vihar,

Nampally, Hyderabad.

4 Two CCs to the Government Pleader for Revenue,

High Court of Andhra Pradesh, Hyderbad (O.U.T)

5 Two CD copies.